

**REGULAR BOARD MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON  
WEDNESDAY, MARCH 9, 2022 at 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

**TOWN BOARD MEMBERS PRESENT:**

Councilman James J. Messa  
Councilman Richard M. Lenart  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Paul A. Miscione

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Deputy Town Supervisor Anthony J. Trevisani  
Highway Superintendent Richard Sherman  
Town Attorney Herbert Cully  
Town Clerk Cheryl A. Jassak-Huther  
Police Chief Michael Inserra  
Highway Chris Moran  
Bookkeeper to Supervisor – Deanna Spina  
Codes Enforcement Office – Lary Gell

ABSENT: Personnel Technician Barbara Schwenzfeier

Thereafter a quorum was declared present for the transaction of business.

**I. PRESENTATIONS/COMMENTS**

- a. **Town Attorney Herbert Cully** – several residents attended a Zoning Board of Appeals meeting expressing concern with regard to the pending application of Sitrin to put an individualized, residential home on Bolton Road; a meeting was scheduled with Sitrin and the residents – the Chairman of the Planning Board wanted to be present to review any site plan information; researched this in more detail – had a conversation with a gentleman/representative from Sitrin – Sitrin has been very cooperative with the Town, in terms of providing any information they had on hand; he mentioned they were relocating five (5) individuals from a home that is in Rome and were going to close that home and relocate them to Bolton Road; in the notice that Sitrin provided, it indicated that it was going to be for four (4) individuals, not five (5); should be considered by the Board is whether or not to deem the notice to be defective; in the instance it is deemed defective, it would either get litigated that this was proper notice or not and allowing them to go forward or allowing them the alternative – they would have to resubmit the application to say five (5) individuals, we would have the 40-day period to object; as mentioned before to the residents, there are three (3) things that can be done: 1. You can approve it, 2. That you can object (the only legal basis that Herb can see – to object based upon a high concentration of such facilities in the neighborhood, such as to substantially alter the

character of the neighborhood), 3. To provide another location – don't put it here, put it somewhere else; it is the Board's determination – Herb thinks it is a defect in the notice because it only says four (4) and five (5) is much different than four (4) in light of the size of the house

- b. **Supervisor Miscione** – asked the Board for a motion to deny the application due to the defect
- c. **Councilman Reynolds** – critical to have a discussion with Sitrin and the neighbors; put everything on the table – all the concerns; none have been laid out on the table, neighbors have not been able to express their concerns; Sitrin is an outstanding Organization – we could have people that need to be there; at the advice of Council – I would deem the application to be defective and make that a Motion

**No one Second the Motion – Motion FAILED**

- d. **Supervisor Miscione** – Move on to Public Comments for Bolton Road/Sitrin
- e. **RESIDENTS**
  - i. People from public spoke about their concern about Bolton Road – increased traffic, appearance of the home – commercialized, large driveways, large dumpsters, numerous cars parked there 24 hours a day; residents made comments that they take pride in their homes, they take care of their homes, yards, walk, ride bikes; Residents asked that they receive any letters from Sitrin going forward, the Town will put on the website for everyone
  - ii. Board and Supervisor said they did not receive the letter that stated there was a 40-day grace period to respond – letter was dated June 24, 2021 from Sitrin
  - iii. Residents asked to be put on the agenda for the March 23, 2022 Board Meeting to present a full presentation; brought up the three (3) houses on Sitrin property – spot lights, shift workers going in and out 24/7, paved roads, etc., would not want that in their neighborhood – no sidewalks – have kids riding bikes, walking dogs
  - iv. It is a business – it is 24 hours a day – five (5) people – how many people will work there, more cars, more family visiting, weekly visits from physicians, OT/PT – inconsistent with the area – questioned why letter only went to Codes – residents found out through the Town Crier – it is a business in a residential area – there is money being made – that is the major concern – it is a business – can't just open up a business in our home (Supervisor Miscione agrees – it is a business and shouldn't be in a residential neighborhood, there is a deficiency in the application, they are going to change the characteristics of the neighborhood – we as a Board have had other issues about characteristics); paving all around the front, side and behind the house; if residents didn't see it in the Town Crier, they would never know – not fair to the residents
  - v. Why don't they build on their own property – large ranch – plenty of land for cars
  - vi. There are already stormwater issues up in that area so if they build more
  - vii. Have them resubmit their application – do the process right

- viii. Lack of knowledge of what is going on; we know this is going to happen; we want to hear what kind of facility this is; will they level the house – more people in – stormwater issues – we want to hear what they have planned and address our issues.
  - ix. No duplexes in the area -single family area – it is a business – money changing hands
  - x. Jim Stevens – School Board Member – his number one obligation is the education and safety of our students – many students live in that area – no sidewalks and many students walk – Bolton Road is a very quiet neighborhood – create a safety problem for our students who walk – As a member of the School Board - would object to the facility in this area
- f. **Supervisor Miscione** asked if can make a Town Law that we have a certified letter instead of just mailing a letter – Town Attorney Herbert Cully – the State Legislation supersedes any local legislation, that is why the fact that it is a residential zone is insignificant because they have been deemed appropriate by State Law, State Law just says a letter; application should be correct – residents should have a say in a Public Hearing – we as a Board, make a decision – not that denying the application completely but it is not correct and we want to give the opportunity to the residents and Sitrin Home to do the right thing; think as a Town Board, to support our resident and not only support our residents but support the right thing, through our neighborhood and characteristics that might change (We just had a meeting a couple months ago saying that we want to review this to make sure our neighborhoods don't change because people buy in to them for what they look like and how they feel and the family life they bring up, that is where they go to live). It is only fair to the residents and Sitrin.
- g. **Councilman Messa** – asked if Sitrin purchased the property, can you stop it; Town Attorney Herbert Cully – yes, they own it, still left with the same law – you can't discriminate against developmentally disabled individuals; Concern have – if going to put 5 to 8 people in there, they will have to rebuild but they limited their approval to 4 individuals – if more, they would have to come back again; would substantially affect the character of the neighborhood; the Law is against us; Sitrin did plan to have their CEO, head of grounds, architect, etc. to come in and explain
- h. **Councilman Reynolds** – would the Planning Board have any say, ie. – the lighting, the parking, potential expansion;
- i. **Town Attorney Herbert Cully** – yes, they have a say; if were a resident, they would have a say – we would insist they go to the Planning Board for site plan approval because they are changing the use of the property and mental hygiene law doesn't exempt them from going to a Planning Board – buffering, paving (creates additional stormwater), large dumpsters, long driveways (pave front yards), lots of cars; Legislation – don't want to discriminate against developmentally disabled individuals and they have a right to live in a residential setting, not an institutional setting; Our Codes Dept. does have a right to review their site plan and control it under Codes; hold a public hearing, address the concerns, what their intent is and whether or not they can address and concerns – bottom line is the Law is on their side but shouldn't look Commercial; Sitrin has agreed to meet

with everyone; meeting on Tuesdays was cancelled because was pointed out that their whole proceeding was defective, based on that they cancelled meeting, the feeling is they will resubmit

- j. **Supervisor Miscione** – have them go through the process – site plan with the Planning Board – resubmit the application for five (5) – then have a Public Hearing
- k. **Town Attorney Herbert Cully** - the Motion is making a determination that the Town Board of the Town of New Hartford feels that there was a defective notice given and in the instance that they intend to put five (5) or more individuals there, that is a flaw in the notice and we are going to fight it;
- l. **Councilman Reynolds** – Also, it is incumbent on the Town, we screwed up too, Town should restart this as best we can; a resident – had that not been in the Town Crier, the residents would not have known, the Board would not have known
- m. **Supervisor Miscione** – only fair – going home tonight, I feel like we just did the residence unjust by not at least giving them an opportunity; I think Sitrin, if they want to be a good neighbor, would want to do it the right way, not that they didn't do it the right way, but it failed. They could have reached out, like they have in the past, about this project, as a heads up. Sitrin is a great Organization, we have worked together with them in the past – have them come in and do a presentation. Have Sitrin come in and talk to everyone – we have a great relationship with Sitrin – all our departments; give everyone an opportunity to speak
- n. **Councilman Lenart** – just asked for clarity on the vote – Town Attorney Herbert Cully – the Vote is to deem the application to be insufficient because Sitrin failed to disclose the full number of individuals

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 69 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to deem Sitrin's application to be insufficient because Sitrin failed to disclose the full number of individuals.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**II. PUBLIC HEARING**

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Messa:

**(RESOLUTION NO. 70 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to open up the Public Hearing for Adult Use Cannabis Retail Dispensaries.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- a) **Town Attorney Herbert Cully** – the State has passed Legislation that allows Adult Use Cannabis Retail Dispensaries – the Town did not pass Legislation to opt out – a proposal to allow cannabis retail dispensaries to exist in an overlay district on Commercial Drive from its intersection with Henderson to its intersection of NY State Route 5
- b) **Resident Katherine Dougherty** – reviewed State law and Town Lawn – State Law is 100+ pages – read some of the Laws; has concerns – annual revenue (Supervisor Miscione stated this is recreational, we get the full sales tax directly to us; how many do anticipate - will it be sold on premise, can it be consumed on premise, anywhere you can smoke – will it be sold at the Mall – will mobile delivery be allowed like Uber – concerned about kids at the Mall – safety for our kids
- c) **Town Attorney Herbert Cully** – did take out on site consumption – we can make changes – Uber deliveries (think that’s an important point) – Village did not opt out either; good point about the Mall – young people – not sure it’s an appropriate venue – we can indicate we are limiting the zone – because it is a Mall – have interior walkways – still get a lot of calls (Police) at the Mall – kids hang out there – initially this is the area we wanted to try – start small and see what happens
- d) **Councilman Reynolds** – Mall is family oriented; it is also on the bus route
- e) **Supervisor Miscione** – trying to avoid Residential areas; believe read we can surcharge up to \$25,000 the person who wants to put one in; can we add to the law the square footage of the building;
- f) **Town Attorney Herbert Cully** – overlay district would be properties adjacent to Commercial Drive with less than 12,000 square feet of floor space from its intersection with Henderson Street to its intersection of NY State Route 5; Supervisor Miscione – say parcels (over 12,000 square feet); Herb will update the Law and check the fee and will continue the Public Hearing at the next meeting

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 71 OF 2022)**

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**RESOLVED**, that the New Hartford Town Board does hereby approve to close the Public Hearing for Adult Use Cannabis Retail Dispensaries.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**III. BOARD MINUTES**

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 72 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the meeting minutes for the February 9, 2022 Town Board Meeting.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**IV. SUPERVISOR MISCIONE** - Dominick Crocilla (owner of 8640 and 8644 property) came in with his attorney (Joseph Hobika) to the January 19, 2022 Board Meeting— stated that he would be at the last meeting (February 9, 2022) with a signed contract for demolition (that didn't happen) – Lary got a letter of intent to do it – the deal was – he was going to bring a signed contract that it was going to get done; Lary Gell spoke – got a letter of intent that it would be demolished by March 31, 2022 – when Lary received it, shared it with everyone and sent them an email with a PDF of the application and the requirements for a demo permit that we need in place to finish this – have not received anything – sent a reminder last Friday that have not received anything – may need to move forward with unsafe building – they are not holding up to their end of the bargain – need an application; Supervisor Miscione – stated he was told that he had to come back to the Board with a signed contract that said he was in contract with somebody to do the work so we can get stuff rolling; Councilman Reynolds – think just stalling and we should move along with Chapter 52; Lary Gell – not sure utilities have been cut

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Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 73 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to move forward with Chapter 52 on 8640 & 8644 Seneca Turnpike.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

Supervisor Miscione – Lary Gell will do the deficiency report.

Lary Gell – we sent him a letter stating the building is unsafe; he has been in there ripping and tearing on it, stopped him a few times, it is unsafe

**V. TOWN CLERK OFFICE**

**a. DEPUTY TOWN CLERK 2**

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 74 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to hire Alexis Alsheimer, as Deputy Town Clerk 2, full time, benefits, \$18 per hour (in budget) effective March 28, 2022.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- b. **BIRTH AND DEATH CERTIFICATE FEES** – Utica City Common Council has approved a price increase for birth and death certificates to \$20.00 each (stating: whereas, the City of Utica continues to face increasing costs in providing said services)

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Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 75 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to not raise the cost of birth and death certificates in the Town of New Hartford (they will stay at \$10.00 each).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**c. NEW YORK STATE CLERK'S ASSOCIATION 2022 CONFERENCE**

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 76 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve for Town Clerk, Cheryl Jassak-Huther to attend the NYS Clerk's Association 2022 Conference in Albany, April 24-27, 2022.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**VI. VOUCHERS**

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 77 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to pay the vouchers.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**VII. REC CENTER FLOORING**

- a. State bid from Becker Area Products – capital project – in budget - \$70,000 – will install this summer – to finish the flooring

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 78 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve, under State contract, for Becker Area Products to provide and install the flooring at the New Hartford Rec Center.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**VIII. BUDGET TRANSFER**

- a. Floor machine – decrease A1620.40 (Buildings and Grounds contractual) by \$2,000 and increase A1620.20 (Buildings and Grounds Equipment) by \$2,000

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 79 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to decrease A1620.40 by \$2,000 and increase A1620.20 by \$2,000.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

**IX. HIGHWAY SUPERINTENDENT RICHARD SHERMAN**

- a. Electronics – Town Hall – dispose of all old laptops, computers, printers and monitors

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 80 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to dispose of the electronics that no longer work and can't sell.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

- b. Equipment

- i. Lease of one (1) 2023 Mack Granite Cab and Chassis with Sewer Company of America, 12 yd truck mounted combination sewer cleaner at a maximum estimated cost of \$457,798.84; Rate 2.52%; Payments \$98,596.50; Pmts/Year - 5 years – Annual – through Key Bank

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 81 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the lease of a 2023 Mack Granite Cab and Chassis with Sewer Company of America for \$457,798.84.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

- ii. Lease of one (1) Mack 2024 Granite 42 FR Cab and Chassis, 6-wheeler with Viking Cives Plow Equipment at a maximum estimated cost of \$256,588.10 and

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one (1) Mack 2024 Granite 64 FR Cab and Chassis, 10-wheeler with Viking Cives Plow Equipment at a maximum estimated cost of \$303,217.70; Finance amount \$559,805.80; Rate 2.52%; Payments \$85,614.10; Pmts/Year – 7 years - Annual

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 82 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the lease of one (1) Mack 2024 Granite 42 FR Cab and Chassis, 6-wheeler with Viking Cives Plow Equipment at a maximum estimated cost of \$256,588.10 and one (1) Mack 2024 Granite 64 FR Cab and Chassis, 10-wheeler with Viking Cives Plow Equipment at a maximum estimated cost of \$303,217.70 – total \$559,805.80.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- iii. 2022 F-250 Regular Cab – getting FEMA payment reimbursement – surplus money for Fund Balance – mechanics truck that can't get inspected (2009) – cost is \$36,492.00 – surplus will cover the cost
- iv. Construction Trailer – to carry cones, sand bags, small hand tools, signs, etc. – have ready to go when need to haul equipment around – Northland Trailers has a 16-foot trailer for \$10,300.00 – it is part of the FEMA payment reimbursement

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 83 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to borrow \$10,300.00 to purchase a trailer (construction trailer for Highway Dept.) from the Fund Balance until the FEMA check comes in.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 84 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to borrow \$36,492.00 from the Fund Balance until the FEMA check comes in for the 2022 F-250 Regular Cab.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**X. CODES ENFORCEMENT OFFICER – LARY GELL – Update on Outstanding Codes Issues**

- a) 11 Center Terrace, New Hartford: vacant, dilapidated home. Several inquiries have been made to the owner's daughter for updates – no recent responses. Owner has someone interested in purchasing the property, no information available; the pool can be a very unsafe structure; correspondence have been returned to office; taxes have been paid; Herb will try to run a trace and find an address
- b) 9364 Elm Street, Chadwicks: vacant, dilapidated home/business – numerous violations. Last correspondence sent to owner, Mr. Edgardo Santiago on February 10, 2022 – registered and regular mail and both came back unaccepted. Someone called the Codes Office wanting information on how to purchase this – did not leave a name and just said he'd be back to Codes if interested; Code 52
- c) 2 Mapledale Road – United Contractors recently demolished the house which had a fire at that location. The hold up was with National Grid for disconnects.
- d) 3403 Oneida Street, Chadwicks: property owned by Mr. Gary Puleo who rents this property for car sales. Numerous correspondence sent to owner, and Court has held on this property. Matter trying to be resolved between owner and renter at this time; there is an eviction notice – he is to be out by April 19<sup>th</sup>.
- e) 19 Larchmont Drive, New Hartford: this property is owned by Ms. Barbara Kicinski but her sons lives at this address. Numerous complaints of trash, vehicles, and unkept property. This has been going on for several years. Court has been held several times on this property. Last court date was March 3, 2022. Ms. Kicinski's son has until next week to totally remove all items, front, rear side from the property. Also in the hands of federal court.
- f) 8640 – 8644 Seneca Turnpike, owner Dominick Crocilla: dilapidated buildings, numerous violations. Application for demolition permit has not been received at this time
- g) Battery backup storage for Solar – should be a Local Law to go along with that – start working towards that – NYSERDA – Lary will do some research
- h) New Hartford Hotel – cleaning and panting – does not require a permit at this time – Lary has spoken to new owner – have had the department of Health in there – this

will be a franchise owned place – it will be a hotel not a long-term rental – pool is secured and due to be filled in

- i) 17 Medford Place, New Hartford: registered and regular letters sent to owner (Mr. Phoroth Chun Kim) which came back unsigned. Unsafe structure due to fire. Telephone calls made to owner to no avail. Code 52.;

**XI. COUNCILMAN MESSA**

- a. Willovale Avenue and Irvin Avenue – on the list for the Spring (Richard Sherman responded Woodberry dirt (Highway Dept. will haul), Roman Road – Dr. Sklar – needs contract) – May/June
- b. Oxford Heights – May/June
- c. Hanna – Oneida Street – back of garage in the creek – creek has washed a lot – soon as can to get in there
- d. Kennedy’s catch basin – got plans from the engineer – State statue – only helps them out, not other properties, on private property – back when did work, Kennedy’s did not want it at that point, wouldn’t allow the work to go down to their property – now it would only help their property – pond could be made bigger but need money to pay the engineer; could be \$1,500 - \$2,000 when done; they were under the impression that the easement was going to happen; Councilman Messa will invite them to the next meeting; Highway Superintendent Richard Sherman will not move forward until to get permission; we did the project to improve it but had to stop because could not go further (they would not allow on their property); bring engineer to Board Meeting – he designed it – walked it; Supervisor Miscione concern is if we get an easement, do this project and now its our, when something happens are they going to sue us anyway saying because put something in and wasn’t right or come clean it out – tough road to go down – should have done when project was first done; Councilman Reynolds – the original design; Chris Moran – the original design took it all the way down to Oxford; Councilmen Reynolds - it stopped because we could not go in to Kennedy’s, that was the original design the Town wanted to do, he said no; Town Attorney Herbert Cully – because of them we diverted?; Highway Superintendent Richard Sherman – yes because we could not go across their backyard; Councilman Reynolds – if that is in the original design, think that is significant; Town Attorney Herbert Cully – it is – that brought us all the Woodberry problems; Chris Moran – it was supposed to end up by the yellow store on Oxford; Supervisor Miscione – can the project be completed if we do this; Councilman Reynolds – will need more easements; Town Attorney Herbert Cully – will need more money; Chris Moran – may cause more problems with other neighbors; Supervisor Miscione – have engineer look at the plans (review them) – we have to do this right and not put us in for another law suit; Chris Moran – is this something we can do and have them sign off on it; Supervisor Miscione – have them sign off on it, we don’t own it, we are not maintain it – need an easement to go on their property but sign off on it and be done with it - not responsible for it; Councilman Messa – put that in there that it is on them to clear it out; Highway Superintendent Richard Sherman will get out the original plans.
- e. Board Room Design – Capraro is working on it

**XII. COUNCILMAN REYNOLDS**

Senior Center is open, we need to pay those people like we would pay any other Town employee, Councilman Reynolds made a motion to do so; No Second Motion was made; Motion did not pass

**XIII. TOWN ATTORNEY HERBERT CULLY**

- a. A Local Law – relates to the former Bushinger Flowers property – they have an opportunity to have Enterprise Rental Car come in to provide car leasing – Zone C-2 – does not allow car leasing – proposing to amend the C-2 District, the text amendment that will allow any C-2 District Automobile Rental subject to a special use permit to be issued

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 85 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to move the Local Law and schedule a Public Hearing for April 20, 2022.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**XIV. WILLOWVALE FIRE DEPARTMENT SERVICE CREDITS**

**(RESOLUTION NO. 86 OF 2022)**

WHEREAS, the Town is the sponsor of a Length of Service Award Program (LOSAP) on behalf of the Willowvale Fire Company in accordance with Article 11-A of the New York State General Municipal Law (GML); and

WHEREAS, as required by GML § 219-a(2)(c), the Willowvale Fire Company has submitted the attached list, certified under oath, of active members of the Fire Company, indicating those volunteers who earned at least fifty points during 2021 to qualify for service credit; and

WHEREAS, the certification made by the Fire Company includes a statement that the points recorded on the attached list have been tabulated in accordance with the Point System adopted by the Town to be in effect during calendar year 2021, and to the best of the knowledge of the Fire Company, is a true and accurate reflection of the activities performed by the active members; and

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WHEREAS, GML § 219-a(2)(d) requires the Town Board (Board) to review and approve the attached list, then return it to the Fire Company to be posted for thirty days; and

WHEREAS, the Board has completed its review of the attached list; NOW, THEREFORE BE IT

RESOLVED, that the Town Board approves the attached list of volunteer firefighters of the Willowvale Fire Company and the points earned by these firefighters during calendar year 2021; and be it further

RESOLVED, that a copy of this adopted resolution and the attached list shall be returned to the Fire Company for posting for, a minimum of thirty days

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

**XV. HIGHWAY SUPERINTENDENT RICHARD SHERMAN**

Lease Floor Mats: Quotes – Unifirst \$3,298.36; All Seasons \$2,860.00; Century Linen and Uniform \$2,898.74; Aramark \$2,995.20 – All Seasons won the bid for the Town Building

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 87 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the bid from All Seasons of \$2,860.00 for floor mats for the Town Building.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

**XVI. EXECUTIVE SESSION FOR A SPECIFIC EMPLOYEES**

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 88 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to enter into Executive Session (9:17pm).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Messa:

**(RESOLUTION NO. 89 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve come out of Executive Session (9:38pm).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion duly made by Councilman Messa and seconded Councilman Reynolds, the meeting was adjourned at 9:39 P.M.

**(RESOLUTION NO. 90 OF 2022)**

The Town Board voted upon roll call, resulting as follows:

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Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolutions were unanimously carried and duly *ADOPTED*.

Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk

3/11/2022